

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES#20
Jen
7/26/04

In re application of:
Joseph R. BYRUM *et al.*
Appln. No.: 09/521,640
Filed: March 10, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

Art Unit: 1631
Examiner: Michael L. Borin
Atty. Dkt. No.: 16517.128
Appeal No.: 2003-1666

Waiver of Hearing

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A hearing before the Board of Patent Appeals and Interferences ("Board") was requested on May 2, 2003, in the above-identified application. Applicants hereby waive attendance at this hearing, and respectfully request that the Board make its decision based on the record.

Respectfully submitted,

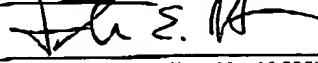

Thomas E. Holsten (Reg. No. 46,098)
Holly Logue Prutz (Reg. No. 47,755)
David R. Marsh (Reg. No. 41,408)

Date: July 22, 2004

Of Counsel
Lawrence M. Lavin, Jr.
(Reg. Atty. No. 30,768)
Thomas E. Kelley
(Reg. Atty. No. 29,938)
Monsanto Company

ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004-2402
(202) 942-5000 telephone
(202) 942-5999 facsimile

I hereby certify that the foregoing Waiver of Hearing is being facsimile transmitted to the attention of the Board of Patent Appeals and Interferences, via facsimile number (703) 308-6200, and to the U.S. Patent and Trademark Office central facsimile number (703) 872-9306.


Thomas E. Holsten (Reg. No. 46,098)

July 22, 2004
Date

RECEIVED
CENTRAL FAX CENTER

ARNOLD & PORTER LLP

202.942.5000
202.942.5999 Fax

JUL 22 2004

555 Twelfth Street, NW
Washington, DC 20004-1206

OFFICIAL

Fax Transmittal

July 22, 2004

| RECIPIENT NAME(S) | RECIPIENT FAX NUMBER(S) | RECIPIENT TELEPHONE NUMBER(S) |
|--|----------------------------------|--|
| US Patent and Trademark Office Board of Patent Appeals and Interferences | (703) 872-9306 (703) 308-6200 | (703) 305-4673 |
| SENDER | SENDER'S TELEPHONE NUMBER | SENDER'S ROOM NUMBER |
| David R. Marsh | (202) 942-5068 | 982 |
| CLIENT/MATTER NUMBER | TIMEKEEPER NUMBER | NUMBER OF PAGE(S) |
| 16517.001 | 4979 | We are transmitting 18 page(s) (including this cover sheet) |
| TRANSMISSION DEADLINE (DATE & TIME) | | ALTERNATE TELEPHONE NUMBER (OPTIONAL) |
| This document must be transmitted no later than: July 22, 2004/ASAP | | Alternate telephone number at which the sender can be reached if there are difficulties with this fax: (202) 942-5159 |
| If you experience difficulty receiving this fax transmission, please contact the operator at 202.942.5837. | | |
| MESSAGE | | |

Re: Appeal Nos. 2003-1072, 2003-1073, 2003-1074, 2003-1666, 2003-1939, 2004-1034, 2004-1272,
2004-1273, 2004-1275, 2004-1406, 2004-1480, 2004-1725, 2004-1773 and
Application No. 09/267,199 (BHAT *et al.*) filed March 12, 1999 (Conf. No. 6701)

Atty. Dkt. Nos.: 38-21(15404)B/US, 38-21(15726)B/US, 38-21(15760)B/US, 16517.128, 16517.276, 16517.277, 16517.314, 16517.032, 16517.285, 16517.285, 16517.276, 16517.276, 16517.272, 16517.281, 16517.231, 16517.142 and 16517.233

RECEIVED
BOARD OF PATENT APPEALS
INTERFERENCES

2004 JUL 27 AM 10:14

See the attached. Please acknowledge receipt via return facsimile.

PRIVILEGED AND CONFIDENTIAL
Information Intended only for the use of the addressee named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

ARNOLD & PORTER LLP

David R. Marsh, Ph.D.
David_Marsh@aporter.com

202.942.5068
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

July 22, 2004

VIA FACSIMILE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: Waivers of Hearing

Dear Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is a Waiver of Hearing for each of the following applications:

1. Appeal No.: Not Yet Assigned/Conf. No. 6701
Serial No. 09/267,199, filed March 12, 1999
Applicants: Barkur G. BHAT *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with the Tocopherol Pathway
Attorney Docket No.: 16517.233
2. Appeal No.: 2003-1072
Serial No. 09/333,534, filed June 14, 1999
Applicants: Timothy W. CONNER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 38-21(15404)B/US
3. Appeal No.: 2003-1073
Serial No. 09/540,234, filed April 3, 2000
Applicants: Timothy W. CONNER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 38-21(15726)B/US
4. Appeal No.: 2003-1074
Serial No. 09/552,086, filed April 19, 2000
Applicants: Robert E. BUEHLER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 38-21(15760)B/US
5. Appeal No.: 2003-1666
Serial No. 09/521,640, filed March 10, 2000
Applicants: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.128

BEST AVAILABLE COPY

ARNOLD & PORTER LLP

Board of Patent Appeals and Interferences

U.S. Patent and Trademark Office

July 22, 2004

Page 2

6. Appeal No.: 2003-1939
Serial No. 09/333,535, filed June 14, 1999
Applicants: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.277

7. Appeal No.: 2004-1034
Serial No. 09/666,355, filed September 20, 2000
Applicants: Karen L. FINCHER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.314

8. Appeal No.: 2004-1272
Serial No. 09/371,146, filed August 9, 1999
Applicants: Nordine CHEIKH *et al.*
Title: Annotated Plant Genes
Attorney Docket No.: 16517.032

9. Appeal No.: 2004-1273
Serial No. 09/637,086, filed August 11, 2000
Applicants: Karen L. FINCHER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.285

10. Appeal No.: 2004-1275
Serial No. 09/540,235, filed April 3, 2000
Applicants: Dane K. FISHER *et al.*
Title: Nucleic Acid Sequences from Cyanidium Caldarium and Uses Thereof
Attorney Docket No.: 16517.276

11. Appeal No.: 2004-1406
Serial No. 09/553,094, filed April 18, 2000
Applicants: Scott E. ANDERSEN *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.272

BEST AVAILABLE COPY

ARNOLD & PORTER LLP

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
July 22, 2004
Page 3

12. Appeal No. 2004-1480
Serial No. 09/732,627, filed December 8, 2000
Applicants: Karen L. FINCHER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.281

13. Appeal No.: 2004-1725
Serial No. 09/233,218, filed January 20, 1999
Applicants: Claire A. CAJACOB *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with the Tetrapyrrole
Pathway
Attorney Docket No.: 16517.231

14. Appeal No.: 2004-1773
Serial No. 09/421,106, filed October 15, 1999
Applicants: Joseph R. BYRUM
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.142

It is respectfully requested that acknowledgement of receipt of these waivers be sent via return facsimile to the undersigned at 202-942-5999.

In the event that extensions of time are necessary to prevent abandonment of these patent applications, then such extensions of time are hereby petitioned. Appellants do not believe any additional fees are due in conjunction with these filings. However, if any fees are required in the present applications, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.001.

Sincerely,


David R. Marsh (Reg. No. 41,408)

Enclosures

BEST AVAILABLE COPY